

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD SEPTEMBER 15, 1998 AT 2:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice  
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.  
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.  
Paul S. McCulla, County Attorney

#### PROPOSED BUDGET GUIDELINES FOR FY 2000 - SUPERVISOR RANKIN

A work session was held to discuss guidelines proposed by Supervisor Rankin regarding the FY 2000 budget.

#### ROUTE 28 IMPACT ON SOUTHERN FAUQUIER AGRICULTURAL DISTRICT

A work session was held with the Planning Commission, the Agricultural and Forestal District Advisory Committee, and the Transportation Committee to receive a technical report from the Virginia Department of Transportation regarding land acquisition for improvements to Route 28.

#### NEW COURTHOUSE PROJECT STATUS REPORT

A work session was held to receive an update from the Judicial Center Action Team regarding the status of planning for the new Judicial Center with emphasis on the scope of the project, financial requirements, and timing.

#### EXECUTIVE SESSION

Mr. Rankin moved to go into executive session pursuant to Virginia Code Section 2.1-344(A) (7) for consultation with legal counsel pertaining to potential litigation. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from executive session, Mr. Rankin moved to adopt the following certification. Mr. Burton seconded.

#### CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 15th day of September 1998, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

## VOTE:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Absent During Meeting: None

The meeting was reconvened in Regular Session at 6:30 p.m. in the Warren Green Meeting Room.

## ADOPTION OF THE AGENDA

Mr. Weeks moved to adopt the agenda subject to removing A Resolution to Declare the Board of Supervisors Legislative Proposals for the 1999 General Assembly and Preliminary Subdivision - Sulphur Springs Investment Corporation from the Consent Agenda to the Regular Agenda for discussion and adding A Resolution of Commendation for Richard L. "Dick" Bowen Upon His Retirement as the Chairman of the Fauquier County Parks and Recreation Board to the Regular Agenda. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

## CITIZENS TIME

Bill Cordova and Jeff Marks informed the Board that they had opened the County's first public golf course and reviewed some of the programs offered.

## REMINGTON GROUP HOME - BRIAN DUNCAN

Brian Duncan, Executive Director of the Rappahannock-Rapidan Community Services Board, reported that the Remington Group Home was open with three residents and that three other residents will be phased in over the next several months.

Mr. Duncan also reported that the Community Services Board had worked out transportation issues with Didlake.

## AGRICULTURAL ECONOMIC DEVELOPMENT DIRECTOR

Mr. Burton introduced Susan Heflin as the Agricultural Economic Development Director.

CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the August 18, 1998 and September 1, 1998 Regular Meetings of the Board of Supervisors

A Resolution to Authorize the Department of Social Services to Participate in the Set-Off Debt Collection Program as an Entity Separate from Fauquier County General Government

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO PARTICIPATE IN THE SET-OFF DEBT COLLECTION PROGRAM AS AN ENTITY SEPARATE FROM FAUQUIER COUNTY GENERAL GOVERNMENT

WHEREAS, the Department of Social Services (DSS) is requesting authorization to participate in the State Set-Off Debt Collection Program; and

WHEREAS, the DSS will use this program to collect debt and will be acting as a separate entity from Fauquier County's program; and

WHEREAS, local agencies participating in the State Tax Intercept Program are considered agents of the state, collecting State and Federal Debts, and will be exempt from the 4% administrative fee for the cost of collection; and

WHEREAS, the Set-Off Debt Coordinator for the DSS is Nancy W. Reeve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the Department of Social Services be, and is hereby, authorized to participate in the State Set-Off Debt Collection Program as an entity separate from Fauquier County general government; and, be it

RESOLVED FURTHER, That the Chairman of the Fauquier County Board of Supervisors be, and is hereby, authorized to send a letter of authorization to the Department of Social Services.

A Resolution to Set an Adjourned Meeting of the Fauquier County Board of Supervisors for September 22, 1998, at 9:00 a.m. at the Virginia Department of

Agriculture Office for a Meeting with the Corps of Engineers Regarding the Auburn Dam Permit Application

RESOLUTION

Be It Resolved by the Fauquier County Board of Supervisors this 15th day of September 1998, That an adjourned meeting with the Corps of Engineers is set for September 22, 1998 at 9:00 a.m. at the Virginia Department of Agriculture Offices located at 234 West Shirley Avenue, Warrenton, Virginia.

A Resolution to Ratify a "Declaration of Local Open Burning Emergency" by the County Administrator

RESOLUTION

A RESOLUTION TO RATIFY THE DECLARATION OF AN OPEN BURNING EMERGENCY BY THE COUNTY ADMINISTRATOR

WHEREAS, Fauquier County has received less than sufficient rainfall for the months of July and August; and

WHEREAS, forest lands, brush lands, and fields within Fauquier County have become so dry as to create a serious fire hazard endangering the lives and property of citizens of the county; and

WHEREAS, the forest warden, who is appointed pursuant to Code of Virginia Section 10-1135, recommended a declaration of a local burning emergency; and

WHEREAS, the County Administrator declared an open burning emergency effective September 5, 1998; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That pursuant to Section 9-23 of the Code of Fauquier County titled "Declaration of local open burning emergency" that an open burning emergency does exist and that the actions of the County Administrator are hereby ratified.

A Resolution Authorizing the County Administrator to Acquire Real Property Necessary to Expand the Warrenton-Fauquier Airport by Purchase or Condemnation and to Amend an Existing Federal Aviation Administration Grant to Provide for Said Real Property Acquisition

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACQUIRE REAL PROPERTY NECESSARY TO EXPAND THE WARRENTON-FAUQUIER AIRPORT BY PURCHASE OR CONDEMNATION AND TO AMEND AN EXISTING FEDERAL AVIATION ADMINISTRATION GRANT TO PROVIDE FOR SAID REAL PROPERTY ACQUISITION

WHEREAS, the Fauquier County Board of Supervisors has adopted a Master Plan for the Warrenton-Fauquier Airport which provides for expansion of the Airport; and

WHEREAS, several properties have already been acquired and several

properties are in the process of being acquired as part of the Warrenton-Fauquier Airport expansion project; and

WHEREAS, funds are available under an existing Federal Aviation Administration grant to begin appraisal work and other efforts related to the acquisition, in fee simple or by easement, of the following properties:

NAME	PIN	ACREAGE
James L. Yates	7819-04-1889	1.1762 acres
Thomas T. & Ethel Y. Fitzhugh	7809-94-9827 & 7809-94-8729	2.0547 acres 0.4651 acre
Theodore G., Robert M. & James T. Pilcher; and	7809-86-4481	19.2850 acres

WHEREAS, pursuant to Section 5.1-31 et seq. of the Code of Virginia, 1950, as amended, counties are authorized to acquire, construct, maintain and operate airports and airport related facilities; and

WHEREAS, pursuant to Section 5.1-31 of the Code of Virginia, 1950, as amended, counties are authorized, by purchase or condemnation, to acquire land necessary to construct, maintain, and operate airports; and

WHEREAS, the Board of Supervisors has determined that public use and necessity require the acquisition of certain properties for the expansion and operation of the Warrenton-Fauquier Airport and, by adoption of this resolution, determines that it is in the public interest to proceed with efforts to acquire the aforesaid properties (in fee or by easement), either through the payment of the fair market value as determined by appraisal or, if such value is not acceptable to the landowners, by the power of eminent domain; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the County Administrator be, and is hereby, authorized to proceed with efforts to acquire the following described properties, in fee simple or by easement, at fair market value as determined by a competent appraisal, for purposes of expansion of the Warrenton-Fauquier Airport:

NAME	PIN	ACREAGE
James L. Yates	7819-04-1889	1.1762 acres
Thomas T. & Ethel Y. Fitzhugh	7809-94-9827 & 7809-94-8729	2.0547 acres 0.4651 acre
Theodore G., Robert M. & James T. Pilcher; and	7809-86-4481	19.2850 acres

and, be it

RESOLVED FURTHER, That should the owners of the aforesaid lands refuse the offer of fair market value, the County Administrator and County Attorney be, and are hereby, authorized to institute on behalf of the County of Fauquier condemnation proceedings to acquire a fee simple or easement interest in the properties; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to execute that certain Amendment No. 1 to Grant Agreement for Project No. 3-51-0068-02 to add acquisition of the aforesaid Yates, Fitzhugh and Pilcher properties; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, authorized to execute all purchase or settlement documents or eminent domain pleadings as are necessary to acquire title to the properties, in fee simple or by easement, and is hereby authorized to expend such funds from the Capital Project Fund as are necessary to acquire the aforesaid lands, in fee simple or by easement, subject to reimbursement in accordance with the terms and conditions of the existing Federal Aviation Administration grant funds.

A Resolution to Request Governor Jim Gilmore Designate Fauquier County as a Disaster Area Following the Severe Drought of the Summer of 1998

RESOLUTION

A RESOLUTION TO REQUEST GOVERNOR JIM GILMORE  
DESIGNATE FAUQUIER COUNTY AS A DISASTER AREA  
FOLLOWING THE SEVERE DROUGHT OF THE SUMMER OF 1998

WHEREAS, the drought experienced during the summer of 1998 has led to some very poor crop conditions throughout Fauquier County; and

WHEREAS, the Virginia Cooperative Extension Office has estimated that the anticipated yields of corn, soybeans and hay will be between 40% and 60% of the normal average yield; and

WHEREAS, the reduction in anticipated yield will result in direct losses to those farmers who sell crops for cash and will lead livestock producers to buy feed that they would not have had to purchase in a normal year; and

WHEREAS, many county farmers do not have the necessary capital on hand to purchase the required feed; and

WHEREAS, there is a program offered by the United States Department of Agriculture which can help some of these farmers to stay in business if the area has been designated a disaster area by the Governor or President. This program offers low-interest loans to farmers who cannot find loans elsewhere; and

WHEREAS, a request to the Governor to designate Fauquier County a disaster area is the first step in the process of qualifying for this federal program; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the Board of Supervisors does hereby request that Governor Jim Gilmore designate Fauquier County as a disaster area following the severe drought of 1998.

STATEMENT OF APPEAL TO THE FAUQUIER COUNTY BOARD OF SUPERVISORS,  
IN ACCORDANCE WITH THE "PROCEDURE FOR APPEALS TO THE BOARD OF  
SUPERVISORS", PURSUANT TO SECTION 11 OF THE FAUQUIER COUNTY  
SUBDIVISION ORDINANCE - GLASCOCK FAMILY TRANSFER - JOHN W. WINE

Mr. Weeks moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

## RESOLUTION

A RESOLUTION SUSTAINING THE APPEAL  
OF CHESTER AND JOANNE GLASCOCK AND DR. AND  
MRS. JOSEPH SERVIDEO

WHEREAS, on July 14, 1998, Fred R. Hodgson did approve the division of a 6.0802 acre parcel of land identified as PIN #6989-16-4956 by plat entitled "Family Transfer Glascock Property" dated June 8, 1998 by VH&D, Inc., Land Planners and Surveyors, for Gregory T. Glascock, which plat is recorded in Deed Book 810 at Page 885 among the land records of Fauquier County; and

WHEREAS, said family transfer plat included a proposed method of ingress and egress over an existing non-exclusive right-of-way; and

WHEREAS, said right-of-way is the subject of a road maintenance agreement recorded in Deed Book 525 at Page 37, and as modified in Deed Book 603 at Page 420, among the land records of Fauquier County; and

WHEREAS, §2-39(11) of the Fauquier County Subdivision Ordinance provides that where a proposed road is served by a non-exclusive right-of-way which is maintained by means of a recorded maintenance agreement, concurrence of the parties to that road maintenance agreement is required before the family transfer plat may be approved; and

WHEREAS, an appeal to Mr. Hodgson's approval of the aforesaid family transfer division plat was timely filed by Chester and Joanne Glascock and Dr. and Mrs. Joseph Servideo; and

WHEREAS, it appearing to the Board of Supervisors that the appeal should be sustained as the concurrence of the parties to the aforesaid road maintenance agreement has not been obtained as required by §2-39(11) of the Fauquier County Subdivision Ordinance; and

WHEREAS, it appearing to the Board of Supervisors that the failure to obtain the aforesaid concurrence as required under §2-39(11) of the Fauquier County Subdivision Ordinance renders the plat approval invalid; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 15th day of September 1998, That the appeal of Chester and Joanne Glascock and Dr. and Mrs. Joseph Servideo be, and is hereby, sustained; and, be it

RESOLVED FURTHER, That the plat entitled "Family Transfer Glascock Property" by VH&D, Inc., dated June 8, 1998 approving the division of 6.0802 acres of land identified as PIN #6989-16-4956 be, and is hereby, invalidated as not being in accordance with §2-39(11) of the Fauquier County Subdivision Ordinance; and, be it

RESOLVED FURTHER, That a copy of this Resolution be recorded among the land records of Fauquier County and indexed under the names of Gregory T.

Glascock, Candy Lee Glascock, and Naomi May Glascock; and, be it

RESOLVED FINALLY, That a copy of this Resolution also be forwarded to John Wine, attorney for Chester and Joanne Glascock and Dr. and Mrs. Joseph Servideo, Gregory T. Glascock, Candy Lee Glascock and Naomi May Glascock, the owners of the properties in question.

SPECIAL EXCEPTION - SALAHI FAMILY LIMITED PARTNERSHIP/OASIS WINERY

A public hearing was held at the August 18, 1998 meeting to consider a request for special exception approval from the Salahi Family Limited Partnership/Oasis Winery under Category 3-309.16, Spectator and Non-Spectator Field Events and Activities (Class C), of the Zoning Ordinance to hold events at the Winery. The property contains 108.209 acres and is located on the south side of Hume Road (Route 635), approximately one-half mile east of the Fauquier County/Rappahannock County boundary, near Hume, PIN #5998-87-0439-000 and PIN #5998-88-4344-000, Marshall District. Mr. Green moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST #SE98-M-15, SALAHI FAMILY LIMITED PARTNERSHIP/OASIS WINERY

WHEREAS, the Salahi Family Limited Partnership, and Dirgham and Corine Salahi, Owners, and Oasis Winery, Applicant, have filed an application for a special exception approval under Category 3-309.16, Spectator and Non-Spectator Field Events and Activities (Class C) of the Fauquier County Zoning Ordinance to hold events at the winery; and

WHEREAS, the Special Exception Application of Salahi Family Limited Partnership, and Dirgham and Corine Salahi, Owners, and Oasis Winery, Applicant, has been properly filed and all required notices of the public hearings have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-916 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on June 25, 1998, on this special exception request and recommended approval subject to sixteen (16) conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That Special Exception #SE98-M-15, Salahi Family Limited Partnership, Owner (PIN# 5998-87-1678-000), and Oasis Winery, Applicant, be, and is hereby, approved subject to the following finding and conditions:

FINDING:

The Board of Supervisors finds that the type and amount of traffic

generated by the proposed use is such that it will not cause an undue impact on the neighbors or adversely affect the safety of Hume Road (Route 635).

CONDITIONS:

1. Prearranged uses to which the property may be put under this special exception shall be limited to the following: arts and crafts shows; family reunions; wedding receptions and similar receptions; picnics, barbecues, and other similar activities such as wine tasting dinners and wine tasting lunches, corporate retreats, education seminars, and community-related arts, cultural, and educational activities.
2. No fireworks displays or helicopter rides shall be held on the premises. Hot air balloon events shall be limited to one day each in the Spring, Summer, and Fall, and shall be under the auspices of the State Department of Tourism.
3. Prearranged wine tasting lunches with less than 100 attendees shall be permitted. One (1) prearranged wine tasting lunch per month with 100 to 150 attendees shall be permitted.
4. No more than three (3) prearranged wine tasting dinners shall be held in any calendar week with no more than 100 attendees at any one (1) dinner. Except for the permitted wine tasting dinners and wine tasting lunches, the maximum number of "Class C" events permitted in any calendar year shall not exceed two (2) in excess of 150 attendees with no more than 250 attendees per event nor fifteen (15) events with less than 150 attendees.
5. The hours of operation for all events open to the general public shall be limited to the hours of 10:00 a.m. to 5:00 p.m. All Class C events shall be limited to the hours of 10:00 a.m. to 10:00 p.m.
6. All outdoor music (amplified or non-amplified) shall cease prior to 9:00 p.m. Outdoor amplified music is only permitted for three (3) Class C events and shall be permitted for a maximum of four (4) hours per day. If amplified music is played at a wine tasting lunch or dinner, this event will be considered one of the three (3) Class C events permitted in this paragraph. Background recorded music may be played on the patio of the winery, provided that the level of sound not be heard at any property line.
7. Fire extinguishers meeting state and federal standards shall be provided at all event sites.
8. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires and mowed to a maximum length of four (4) inches.
9. The Applicant shall at all times, employ such number of persons as are necessary to facilitate the parking of vehicles and the control of those in attendance.
10. All on-site parking, entrances, and other physical improvements shall comply with the County's site plan regulations.
11. All entrances shall meet VDOT requirements.
12. The Applicant shall conform at all times to Health Department regulations regarding sanitary sewerage facilities, food service, hand washing facilities, and wells.
13. All lighting shall be shielded, directed downward and inward, so as to eliminate glare from all adjacent properties.
14. Any parking illumination shall be limited to ground lighting.
15. The special exception shall be limited to a one (1) year period from the date of approval by the Board of Supervisors.
16. No Class C events shall be held until site plan approval is granted.
17. The existing patio areas may be enclosed, but no other expansion is approved with this special exception request.

18. The Zoning Administrator shall be notified no less than 30 days prior to any Class C event. This notice shall include the date, time, and type of event and copies of any required permits or licenses from the Sheriff's Office, VDOT, Emergency Services Office, and Health Department. See Section 5-916.6 of the Zoning Ordinance. In addition, the applicant shall notify his/her immediate neighbors 30 days prior to any Class C event.

A REQUEST FOR CONTRIBUTION TO FAUQUIER HOUSING FOR RENT  
ABATEMENT FOR RESIDENTS OF THE OAKS

Mr. Rankin moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A CONTRIBUTION TO FAUQUIER HOUSING CORPORATION FOR RENT INCREASE REBATES AND ABATEMENT FOR THE RESIDENTS OF THE OAKS

WHEREAS, the Board of Supervisors of Fauquier County supports affordable housing for all residents of Fauquier County; and

WHEREAS, Fauquier Housing Corporation, a local non-profit organization dedicated to the provision of affordable housing, has a 51% ownership interest in the Oak Springs Retirement Community; and

WHEREAS, Fauquier Housing Corporation has requested a contribution for the purpose of rent rebates and abatements to help keep rent prices at The Oaks affordable; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That a contribution to the Fauquier Housing Corporation in the amount of \$20,000 be, and is hereby, approved; and, be it

RESOLVED FURTHER, That this contribution represents a one-time bequest with no future contributions for rent rebates or abatements envisioned or committed; and, be it

RESOLVED FURTHER, That the Fauquier Housing Corporation shall certify in writing to the Board of Supervisors, prior to receiving the funds, that all funds received shall be used exclusively for the purposes of rent rebates and abatements; and, be it

RESOLVED FINALLY, That the Board of Supervisors does hereby approve the transfer of \$20,000 from the Non-departmental Reserve Account to the Fauquier Housing Corporation budget for this purpose.

A RESOLUTION TO AUTHORIZE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD TO BORROW \$1,480,000 FOR THE PURCHASE OF AN EXISTING BUILDING FOR OFFICES AND PROGRAM OPERATIONS

Mr. Weeks moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### RESOLUTION

A RESOLUTION TO AUTHORIZE THE COMMUNITY SERVICES BOARD TO BORROW \$1,480,000 FOR THE PURCHASE OF AN EXISTING BUILDING FOR OFFICES AND PROGRAM OPERATIONS

WHEREAS, the Rappahannock-Rapidan Community Services Board has determined that it is feasible to borrow funds for the acquisition and renovation of an existing building in Culpeper County for the purpose of offices consolidation, meals preparation, storage and distribution; and

WHEREAS, in meeting assembled 18 March 1997, the Fauquier County Board of Supervisors authorized the Rappahannock-Rapidan Community Services Board to borrow \$1,275,000 for the purchase of said building in Culpeper County; and

WHEREAS, the Rappahannock-Rapidan Community Services Board is now requesting an increase in borrowing authority to reflect the building's current appraised value; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That authorization be, and is hereby, given to the Rappahannock-Rapidan Community Services Board to borrow \$1,480,000 for the purchase of an existing building for offices and program operations; and, be it

RESOLVED FURTHER, That in granting this authority, the County of Fauquier assumes no liability for any such indebtedness; and, be it

RESOLVED FURTHER, That the approval granted herein is expressly conditioned upon inclusion in the promissory note, and written acceptance by the lender, of a non-recourse clause which specifically waives and releases any and all claims the lender may have against the Board of Supervisors of Fauquier County; and, be it

RESOLVED FURTHER, That the approval granted herein is expressly conditioned upon inclusion within the promissory note, and written acceptance by the lender, of a non-appropriation clause which expressly provides that nothing contained in the promissory note or any other document in connection with the indebtedness shall constitute a pledge of the full faith and credit of the Rappahannock-Rapidan Community Services Board, the Commonwealth of Virginia, or any political subdivision of the Commonwealth and that the obligation to pay any indebtedness created by the promissory note shall be subject to the annual appropriation of funds necessary for the payment of such indebtedness; and, be it

RESOLVED FINALLY, That the approval granted herein is expressly conditioned upon the Rappahannock-Rapidan Community Services Board entering into a financing transaction that conforms in all regards to Virginia law.

## PRELIMINARY SUBDIVISION - SULPHUR SPRINGS INVESTMENT CORPORATION

The Preliminary Subdivision Plat for Sulphur Springs Investment Corporation was removed from the Consent Agenda for discussion. Mr. Weeks and Mr. Mangum abstained from consideration of this request because of their membership in the country club owned by this Corporation. The other members of the Board took no action, therefore the Plat was approved.

## A RESOLUTION OF COMMENDATION FOR RICHARD L. "DICK" BOWEN UPON HIS RETIREMENT AS THE CHAIRMAN OF THE FAUQUIER COUNTY PARKS AND RECREATION BOARD

Mr. Weeks moved to adopt a resolution commending Richard L. "Dick" Bowen upon his retirement as the Chairman of the Fauquier County Parks and Recreation Board and to defer reading the resolution until September 29, at which time the Board of Supervisors will have dinner with Mr. Bowen. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

## A RESOLUTION TO DECLARE THE BOARD OF SUPERVISORS LEGISLATIVE PROPOSALS FOR THE 1999 GENERAL ASSEMBLY

Mr. Green moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

## RESOLUTION

## A RESOLUTION TO DECLARE THE BOARD OF SUPERVISORS LEGISLATIVE PROPOSALS FOR THE 1999 GENERAL ASSEMBLY

WHEREAS, the County of Fauquier has a variety of issues and interests which require legislative action by the Virginia General Assembly; and WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 1999 VACo Legislative Program; and WHEREAS, the County's interests can be proposed with united support of other localities if contained in the VACo Legislative Program; now, therefore, be it RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the following items be, and are hereby, directed as the County's legislative issues for consideration by the 1999 General Assembly.

TAX ISSUES:

Cost of Competing - Fauquier County respectfully requests that State legislators representing Fauquier County introduce legislation to incorporate Fauquier County into the Cost of Competing School Funding Formula. All political subdivisions having public school systems located in Planning District 8, the Northern Virginia Planning District Commission, receive Cost of Competing funds specifically ear-marked for teacher compensation. Several years ago, the General Assembly authorized Fauquier County's membership in Planning District 8. For Fauquier County to recruit and retain highly qualified public school division teachers, Fauquier County must be able to compensate teachers comparable to our Northern Virginia neighbors.

Northern Virginia Differential for State Employees - The Commonwealth of Virginia pays state employees working in Northern Virginia, defined as the Northern Virginia Planning District Commission, a supplement on the base state compensation. This supplement is often referred to as the Northern Virginia Differential. Health Department, Cooperative Extension and State Police employees working in the adjacent communities of Prince William and Loudoun Counties receive the Northern Virginia Differential. Unless and until the Northern Virginia Differential is extended to Fauquier County, our community will remain at risk of losing highly qualified state employees to our neighboring jurisdictions.

School Operations Funding - Fauquier County supports legislation that establishes a floor for state funding of school budgets. To avoid unintentionally "enriching the already rich", the floor would apply to statewide average per-capita, per-student or base-line year levels of expenditures for education. This proposal does not alter or modify the existing composite index, but rather targets jurisdictions like Fauquier County that experience unusual reductions in state aid to education due to unusual demographic phenomenon.

As an alternative, Fauquier County requests support and assistance in working with the appropriate state officials in examining the mechanics of the composite index with the goal of altering same to more equitably reflect Fauquier's true "ability to pay".

Additionally, Fauquier County supports the full funding of the State's share of the Standards of Quality and full funding of any categorical educational mandates including pay raises.

Fauquier County supports school divisions providing detailed information on their budgets prior to their budget public hearing and supports school divisions being subject to the same publication and notice of public hearing requirements as local governments.

School Construction Funding - Fauquier County supports the continuation and increased funding of the School Construction Funding legislation patroned by Senator Walker and approved by the General Assembly in the 1998 Special Session. Fauquier County further supports modification of the distribution formula that would amend the provision that the "balance of funds distributed to each school division {shall be} based upon its

relative share of average daily membership adjusted by its composite index" through the removal of "adjusted by its composite index."

Impact Fees for School Construction - Fauquier County continues to support legislation that would allow localities the option to assess impact fees for School Construction in lieu of voluntary cash proffers for School Construction.

School Technology Funding - Fauquier County supports the reinstatement of full funding of the State's portion of the Standards of Learning relating to instructional technology.

Integration of Use-Value Taxation into the Composite Index Calculation - Fauquier County supports the amendment of the composite index formula to consider the fiscal impact of use-value taxation. The composite index should use the value that real property is taxed on rather than the fair market value. The proposal may also benefit urban communities that freeze assessed values for taxation purposes as an inducement for property owners in designated zones to rehabilitate their properties.

Land Use Value Assessments - Fauquier County supports legislation that would authorize local governments in the Commonwealth of Virginia to determine minimum acreage requirements exceeding state minimum regulation for Land Use Value Assessments for Agricultural, Horticultural, or Forestal Real Estate.

Consideration of a Hold Harm Provision Concerning Local Real Estate Revenues Lost Through Voluntary Local Participation in the State Sponsored Use Value Taxation Program- Fauquier County supports legislation which would reimburse localities for the amount of annual real estate tax revenues lost through the voluntary participation of localities in the State sponsored Land Use Taxation Program.

#### LAND USE PLANNING ISSUES:

Conditional Zoning - Fauquier County respectfully requests that the General Assembly delegation representing Fauquier County introduce in both the Senate and the House the language of 1997 House Bill No. 2657 relating to conditional zoning. The Northern Virginia communities enjoy a much more flexible and productive form of conditional zoning authorization than Fauquier County presently has.

Comprehensive Plans - Fauquier County supports legislation that would require state agencies to give consideration to local comprehensive plans.

Local Authority Issuance of Permits - Fauquier County opposes any legislation which would limit local authority relating to the issuance of special exceptions and special use permits. Fauquier continues to strenuously oppose HB1362 which was introduced by Delegate Scott during the 1998 legislative session and was carried over until the 1999 session. Fauquier continues to believe that this bill is an unwarranted and unwelcome intrusion into local land use planning.

Adequate Public Facilities - Fauquier County supports the Adequate Public Facilities Bill sponsored by Senator Chichester which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning. SB 355 was carried over to the 1999 General Assembly session to allow the Senate Local Government Committee more time to review the proposed legislation.

Developer Reimbursements - Fauquier County supports legislation that would allow localities to require subsequent developers to reimburse initial developers on a pro rata basis, for off-site improvements provided by initial developers.

Takings - Fauquier County opposes any change in the existing eminent domain laws of the Commonwealth of Virginia or legislative expansion of the now existing property rights for which landowners must be compensated when such rights are affected by ordinance, regulation, legislation or other action taken by any county, city or town within this Commonwealth.

Vested Property Rights - Fauquier County opposes any legislation expanding the vested property rights of owners of land in the areas of zoning, subdivision and site plans beyond the law of vested rights existing within the Commonwealth of Virginia on July 1, 1993. In addition, Fauquier County supports the amendment of SB570 which became law July 1, 1998 that would clarify that actions taken by local government that would be considered as granting a vested right under SB570 be considered as granting that "right" only if the action was taken by the local government after the adoption of the legislation.

Manufactured Housing - Fauquier County opposes any further dilution of the zoning and land use regulatory authority of local governments as it pertains to manufactured housing.

Shared Land Use Data - Fauquier County supports efforts of the General Assembly to promote shared land use data and Geographic Information System (GIS) technology among state agencies, PDC's and localities.

Cost of Growth - Fauquier County supports the Virginia Association of Counties Region 7 initiative to develop equitable programs to address the pernicious problem of accelerated government costs associated with significant population growth.

#### SOLID WASTE/RECYCLING ISSUES:

Markets for Recyclables - Fauquier County requests the state to take an active role in developing markets for recyclables.

Deposit on Beverage Containers - Fauquier County supports legislation that would establish a deposit on beverage containers.

Non-biodegradable Containers - Fauquier County supports legislation to prohibit the use of non-biodegradable containers whenever safe, degradable alternatives are viable.

#### LOCAL GOVERNMENT ENABLING & SELF DETERMINATION ISSUES:

Courthouse Relocation - A Virginia Attorney General's opinion suggests that a referendum is required for any relocation of the Circuit Courthouse. Fauquier County requests legislation that would permit relocation of the Courthouse, without referendum, within one mile of the existing Courthouse location.

Increased Local Authority - Fauquier County supports legislation to provide for increased local authority in planning, zoning and revenue matters through a statutory relaxation of the Dillon Rule. The relaxation of the Dillon Rule should not, however, be accompanied by a shift of responsibility for various programs from the state government to local government.

Funding of State Mandated Laws - Fauquier County supports legislation to mandate state funding of state laws requiring local appropriations. Further, Fauquier County requests that the General Assembly place a sunset or reexamination requirement for all legislation adversely impacting local government. Periodic examination of legislation pertaining to mandates and state imposed requirements on local governments is essential to assure that state government officials understand the implications of state mandates on local governments.

#### PUBLIC SAFETY ISSUES:

Alternatives to Incarceration for Non-Violent Offenders - Fauquier County exhorts the Commonwealth of Virginia to investigate safe, cost-effective alternatives to incarceration for non-violent offenders in order to reduce state and local jail overcrowding.

Block Grant Funding for Correctional Facilities - Fauquier County supports legislation which requires money appropriated for payment of operational costs for local correctional facilities to be paid in a single block grant to the localities on the first day of the fiscal year for which the appropriations or apportionments are made.

State Pays for Housing State Prisoners - Fauquier County supports increase in what state pays for housing state prisoners in local jails based on state analysis of actual costs incurred by local governments.

#### HUMAN SERVICES:

Comprehensive Services Act - Fauquier County opposes any change in the funding formula for the Comprehensive Services Act which would mandate an increase in the current local match rate of 45%.

Fauquier County supports adequate State funding to cover both mandated and court-ordered placement of children and cover local costs for administering the Comprehensive Services Act.

#### LIBRARIES:

State Aid for Public Libraries - Fauquier County requests that the General Assembly make available an additional \$2.8 million in state aid to public libraries as part of phase two of the three year plan to fully fund the state aid formula by FY2001.

Statewide Technology Plan for Libraries - Fauquier County supports a statewide technology plan for public libraries. The plan, currently under development by the Library of Virginia and representatives from public libraries, will be presented to the Joint Commission on Science and Technology for review and recommendation. The plan supports equal access to electronic information through public libraries for all citizens of the Commonwealth.

Friends Groups' Sales Tax Exemption - Fauquier County supports an extension of the Friends of the Library sales tax exemption as outlined in the Code of Virginia Section 58.1-609.8. The current sales tax exemption expires in July of 1998.

FAUQUIER COUNTY CODE AMENDMENT - SECTIONS 1-7 AND 5-11 AND NEW SECTION 5-11.1 TO RAISE THE MAXIMUM PENALTY FOR VIOLATIONS OF THE CODE OF FAUQUIER COUNTY AND THE COUNTY BUILDING CODE

A public hearing was held to consider amending Sections 1-7 and 5-11 and adding Section 5-11.1 of the Fauquier County Code to raise the maximum penalty for violations of the Code of Fauquier County and the County Building Code. No one spoke. The public hearing was closed. Mr. Weeks moved to table the decision until the October 6, 1998 meeting. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

FAUQUIER COUNTY CODE AMENDMENT - CHAPTER 2.5 RELATING TO ALARM SYSTEMS, MAKING CERTAIN TECHNICAL AMENDMENTS TO NUMERICAL REFERENCES

A public hearing was held to consider amending Chapter 2.5 of the Fauquier County Code to make certain technical amendments to numerical references. No one spoke. The public hearing was closed. Mr. Weeks moved to adopt the following ordinance. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 2.5 OF THE CODE OF FAUQUIER COUNTY RELATING TO ALARM SYSTEMS MAKING CERTAIN TECHNICAL AMENDMENTS TO NUMERICAL REFERENCES CONTAINED IN THE CHAPTER

WHEREAS, the Board of Supervisors of Fauquier County adopted Chapter 2.5 of the Code of Fauquier County related to alarm systems; and

WHEREAS, the Board of Supervisors wishes to amend Sections 2.5-8(c); 2.5-9(d); 2.5-11; 2.5-12; 2.5-13(a) and 2.5-16(a) of the Code of Fauquier County relating to numerical references contained within the Chapter; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 15th day of September 1998, That Sections 2.5-8(c); 2.5-9(d); 2.5-11; 2.5-12; 2.5-13(a) and 2.5-16(a) of the Code of Fauquier County be, and are hereby, amended as follows:

Section 2.5-8(c). The provisions of this Sections shall not apply to alarm systems installed prior to January 1, 1995, provided, however, that upon a violation of Section 3-6 2.5-10, the alarm system must be brought into compliance with this Section.

Section 2.5-9(d). Any alarm response which results from an alarm signal initiated by an alarm system which is not in compliance with this Section shall be deemed to be an excessive alarm response and a violation of Section 3-6 2.5-10 of this Chapter.

Section 2.5-11. Inspection of alarm systems. An alarm user in violation of Section 3-6 2.5-10 shall cause their alarm system to be inspected by an alarm company licensed to conduct business in Fauquier County. The inspection shall entail a complete examination of the alarm system including, but not limited to, satisfactory design and installation of the equipment, proper functioning of the equipment and user education in the operation of the equipment. The alarm company shall record the details of the inspection on a form provided by the Sheriff's Office for this purpose. Notification of the requirements of this Section shall be made in writing, within thirty (30) days of the violation, to the registered alarm user. The completed inspection report shall be returned to the Fauquier County Sheriff's Office by the alarm company within thirty (30) days of the initial notification by the Sheriff's Office. A copy of the completed inspection report shall be provided to the alarm user by the alarm company upon completion of the inspection.

Section 2.5-12. Penalties for noncompliance with inspection. If the Sheriff's Office does not receive the completed inspection report within thirty (30) days of notification as provided in Section 3-7 2.5-11, an administrative service fee of one hundred dollars (\$100.00) shall be assessed against the alarm user.

Section 2.5-13(a). If, within twelve (12) months of the notification, as provided in Section 3-7 2.5-11, there is cause for more than two (2) alarm responses to a protected premise, administrative service fees, in accordance with the following fee schedule (Section 3-9(b)), shall be assessed against the user for all subsequent alarm responses.

Section 2.5-16(a). A Fire and Security Alarm Systems Commission shall be appointed by the Board of Supervisors as an advisory commission, under authority of Section 15.1-33.2 15.2-1411 of the Code of Virginia and shall consist of the following membership of the Joint Communications Center Board of Directors:

The Sheriff  
Fire & Rescue Association President  
One (1) Member of the Technical Advisory Committee  
The Chief of Police of the Town of Warrenton

Section 2.5-16(d). The Fire and Security Alarm Systems Commission shall develop recommendations for the Board of Supervisors concerning the need for

additional local regulation of alarm company operators, as permitted by Code of Virginia, Section 15.1-28.2 15.2-911, and/or the adoption of statewide standards by the Department of Housing and Community Development or other regulatory authority.

COBBLER MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT - 4TH ADDITION

A public hearing was held to consider a request from Pauline O. Walker, Katherine W. Bantleon, Frederick W. Okie, Jr., St. Clair Okie and Elizabeth Walker Mecke to add a parcel consisting of 86.53 acres to the Cobbler Mountain Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE FOURTH ADDITION  
TO THE COBBLER MOUNTAIN AGRICULTURAL AND  
FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310, Code of Virginia (1950) as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950) as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the Fourth Addition to the Cobbler Mountain Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition of land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Fourth Addition to the Cobbler Mountain Agricultural and Forestal District is hereby added this 15th day of September 1998, in accordance with the provisions of Title 15.2, Chapter 43, Sections 15.2-4310, Code of Virginia (1950), as amended.

(3) That the Fourth Addition shall consist of the following parcel(s):

NAME	PIN#	ACREAGE
Pauline O. Walker	6949-17-9271-000	86.53
Katherine W. Bantleon		
Frederick W. Okie, Jr.		
St. Claire Okie		
Elizabeth Walker Mecke		

Total Acreage                    86.53; and, be it,

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special exception shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.

(7) That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

(9) That the District will expire on March 6, 2006.

#### SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT - 16TH ADDITION

A public hearing was held to consider a request by Scott C. and Patricia C. Humphrey to add three parcels totaling approximately 28.01 acres to the Southern Fauquier Agricultural and Forestal District. No one spoke. The public hearing was closed. Mr. Mangum moved to adopt the following ordinance. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE THE SIXTEENTH ADDITION  
TO THE SOUTHERN FAUQUIER AGRICULTURAL AND  
FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310, Code of Virginia (1950), as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310, Code of Virginia (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the Sixteenth Addition to the Southern Fauquier Agricultural and Forestal District Ordinance be, and is hereby, adopted as follows:

(1) That this addition of land which requires conservation and protection for the production of food and other agricultural and forestal products and as such is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is therefore valuable to public interest.

(2) That this Sixteenth Addition to the Southern Fauquier Agricultural and Forestal District is hereby added this 15th day of September 1998, in accordance with the provisions of Title 15.2, Chapter 43, Sections 15.2-4310, Code of Virginia (1950), as amended.

(3) That the Sixteenth Addition shall consist of the following parcel(s):

NAME	PIN#	ACREAGE
Scott C. and Patricia C. Humphrey	6990-38-7197-000	11.49
	6990-38-2675-000	11.49
	6991-21-9662-000	5.03

Total Acreage                    28.01; and, be it,

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

(4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

(a) All uses allowed by right in the applicable zoning district(s) for each parcel shall require a special exception except that farming and single family dwellings on a legally recorded parcel of record shall be permitted by right.

(b) Subdivisions of land as defined in Article 2.39 of the Fauquier County Subdivision Ordinance are not permitted.

(c) No special exception shall be in conflict with the purposes for which the District was created.

(5) That these parcels qualify for land use value assessment

provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.

(6) That the owners of land within the District shall not terminate the District except in accordance with Section 15.2-4314 of the Code.

(7) That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

(8) That parcels under twenty-five (25) acres shall be excluded except where exempted by the Board.

(9) That the District will expire on February 16, 2006.

SPECIAL EXCEPTION - DEBRA ANNE JAMES/CANTERBURY COTTAGE ON PENDRAGONDALE - ALLOW FOR SMALL WEDDING RECEPTIONS, PICNICS, RETREATS, BIRTHDAY PARTIES, ETC.

A public hearing was held to consider a request for special exception approval from Debra Anne James/Canterbury Cottage on Pendragondale under Category 3-307, Adaptive Uses, and Category 3-309.16, Spectator and Non-Spectator Field Events and Activities (Class C) of the County Zoning Ordinance to hold small wedding receptions, picnics, retreats and occasional festivals. The property contains 20 acres and is located on the east side of Crest Hill Route (Route 647), south of its intersection with Cornwell Lane/Putnams Mill Road (Route 770), PIN #6926-44-7584-000, Marshall District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE98-M-08  
CANTERBURY COTTAGE ON PENDRAGONDALE

WHEREAS, the Applicant and Property Owner, Debra Anne James, has filed an application for a special exception to hold small wedding receptions, picnics, retreats and occasional festivals, at the subject property, an approved tourist home/boarding house (bed and breakfast), pursuant to Sections 3-307, Adaptive Uses, and 3-309.16, Spectator and Non-Spectator Field Events and Activities (Class C), of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of Debra Anne James, Property Owner and Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exception as set forth in Article 5

of the Zoning Ordinance and the Board further finds that the more restrictive standards of Articles 5-701, 5-702, 5-901 and 5-916 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing August 27, 1998 on this special exception amendment request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That Special Exception #SE98-M-08, Debra Anne James Property Owner (PIN 6926-44-7584-000), be, and is hereby, approved subject to the following finding and conditions:

FINDING:

The Board of Supervisors finds that the fact that the site has 20.0 acres rather than 50 acres does not negatively impact any other general or specific standard contained in Article 5 for this use and will serve the purposes of promoting public health, safety, and welfare to an equivalent degree.

CONDITIONS:

1. The Class C uses to which the property may be put under this special exception shall be limited to the following: special events, family reunions, wedding receptions and similar receptions, picnics, and retreats.
2. No fireworks displays and no hot air balloon events shall be held on the premises.
3. The maximum number of Class C events permitted in any calendar month shall not exceed two (2) in excess of 50 persons and the total number of attendees in any week shall not exceed 300.
4. The hours of operation for all Class C events shall be limited to the hours of 10:00 a.m. to 9:00 p.m. on Friday, Saturday, and Sunday.
5. Events with amplified music will be conducted only between the hours of 12:00 noon and 9:00 p.m.
6. Fire extinguishers meeting state and federal standards shall be provided at all event sites.
7. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.
8. All on-site parking, lighting, entrances, and other physical improvements shall comply with the County's site plan regulations.
9. All entrances shall meet VDOT requirements.
10. All uses under this special exception shall be conducted so as to meet all noise performance standards enumerated in Article IX of the County Zoning Ordinance. In addition, the events shall be conducted in such a manner that noise emissions will not exceed 50% of the decibel limits permitted by the County's noise regulations.
11. All lighting shall be shielded, directed downward and inward, so as to eliminate glare on all adjacent properties.
12. This special exception for Class C events shall be limited to a three (3) year period from the date of approval by the Board of Supervisors.

SPECIAL EXCEPTION - MIDLAND MASONIC LODGE #238 - ALLOW FOR AN ALTERNATIVE SEWAGE DISPOSAL SYSTEM

A public hearing was held to consider a request for special exception approval from the Midland Masonic Lodge #238 under Category 3-320.7 of the County Zoning Ordinance to allow an alternative wastewater disposal system to serve its existing lodge building. The property contains 1.01 acre and is located on the east side of Shenandoah Path (Route 607), south of Bristersburg Road (Route 616), PIN #7920-73-5955-000, Cedar Run District. No one spoke. The public hearing was closed. Mr. Burton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE98-S-09  
MIDLAND MASONIC LODGE #238-ALTERNATIVE WASTEWATER SYSTEM

WHEREAS, the applicant, Midland Masonic Lodge #238, is requesting a special exception to allow an alternative wastewater disposal system to serve an existing lodge building, pursuant to Section 3-320.7 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of Midland Masonic Lodge #238, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-2002 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 27, 1998, on this special exception request and recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That Special Exception #SE98-S-09, Midland Masonic Lodge #238-Alternative Wastewater Disposal System (PIN 7920-73-5955-000), be, and is hereby, approved subject to the following conditions:

1. This approval shall be only for the location and operation of a Greenhouse System for the existing Midland Masonic Lodge #238 building on the 1.01 acre parcel.
2. The systems shall remain in conformance with all County and State Department of Health requirements at all times.
3. Health Department guidelines for the maintenance of the systems and the frequency of system monitoring shall be followed.
4. No building permit shall be issued for this property until the Health Department has issued a permit for a "Greenhouse System" for this location.

SPECIAL EXCEPTION - G & G VENTURES, INC. - OBTAIN AN ADAPTIVE USE, MULTI-FAMILY USE, IN AN EXISTING HOUSE

A public hearing was held to consider a request for special exception approval from G & G Ventures, Inc. under Category 3-307, Adaptive Uses, of the County Zoning Ordinance to convert an existing single-family dwelling to multi-family use. The property contains 2.18 acres and is located on the north side of Winchester Street (Business Route 17), south of its intersection with Main Street (Route 55), PIN #6969-79-3030-000, Marshall District. Bill Gilliam spoke in favor of the request. No one else spoke. The public hearing was closed. Mr. Green moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION  
REQUEST #SE98-M-10  
MARBURY APARTMENTS

WHEREAS, the Applicant and Property Owner, G&G Ventures, Inc., has filed an application for a special exception to convert an existing single-family dwelling to multi-family use, pursuant to Sections 3-307, Adaptive Uses, of the Fauquier County Zoning Ordinance; and

WHEREAS, the Special Exception Application of G&G Ventures, Inc., Property Owner and Applicant, has been properly filed and all required notices of the public hearing have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Articles 5-700 of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing August 27, 1998 on this special exception amendment request and recommended approval; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 15th day of September 1998, that Special Exception #SE98-M-10, G&G Ventures, Inc. Property Owner (PIN 6969-79-3030-000), be, and is hereby, approved subject to the following conditions:

1. The exterior appearance of the buildings on the property shall not be altered from that of a dwelling or normal residential accessory structure.
2. The entrances shall meet all VDOT requirements.
3. A landscaped buffer/screen shall be installed to effectively screen the parking lot from adjacent Residential Districts.
4. The special exception approval shall be for no more than three (3) apartment units in the existing dwelling.

REZONING REQUEST - CHARLES A. PAYNE, JR., LLOYD A. FORBUSH, AND BARBARA MCLEOD, OWNERS - REZONE 7.16 ACRES FROM RA (RURAL AGRICULTURE) TO C-2 (COMMERCIAL) FOR FUTURE USES

A public hearing was held to consider a request from Charles A. Payne, Jr.,

Lloyd A. Forbush, and Barbara McLeod, Owners, to rezone 7.16 acres from RA (Rural Agriculture) to C-2 (Commercial) to allow for the development of commercial uses. The property is located in the southeast end of the Opal Service District on Clarkes Road (Route 608) east of Route 17, PIN #6981-30-8016-000, PIN #6981-40-1027-000, PIN #6981-30-7376-000, and PIN #6981-30-5147-000, Lee District. Gus Forbush spoke requesting that the matter be tabled indefinitely. Tom Noland spoke in opposition. The public hearing was closed. Mr. Mangum moved to table the matter indefinitely. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
 Nays: None  
 Absent During Vote: None  
 Abstention: None

COMPREHENSIVE PLAN AMENDMENT AND REZONING REQUEST - LENA M. LEACH, APPLICANT - AMEND COMPREHENSIVE PLAN TO IDENTIFY AND INCORPORATE A NEW SETTLEMENT INTO THE PLAN AND REZONE PROPERTY FROM RR-2 (0.5 DWELLING UNITS/ACRE) TO R-1 (ONE DWELLING UNIT/ACRE)

A public hearing was held to consider a request from Lena M. Leach for a Comprehensive Plan amendment to identify and incorporate a new settlement into the Plan and to rezone a 2.94 acre parcel from Rural Residential (RR-2) to Residential (R-1). The property is located on the west side of Route 800 (Old Culpeper Road), north of its intersection with Route 15/29, PIN #6982-23-3226-000, Marshall District. No one spoke. The public hearing was closed. Mr. Green moved to adopt the following resolution to amend the Comprehensive Plan and the following ordinance to rezone the property. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
 Nays: None  
 Absent During Vote: None  
 Abstention: None

#### RESOLUTION

A RESOLUTION TO APPROVE COMPREHENSIVE PLAN AMENDMENT #CPA98-M-02

WHEREAS, Lena Leach has filed an application to amend the Fauquier County Comprehensive Plan in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, this amendment is to identify and incorporate a new Settlement into the Comprehensive Plan; and

WHEREAS, the proposed new settlement area meets the criteria outlined in the Comprehensive Plan for an area to be designated as a settlement; and

WHEREAS, the new settlement is to be called 'Airport Inn Settlement'; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 27, 1998, regarding this Comprehensive Plan Amendment and

unanimously recommended approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of September 1998, That the Fauquier County Comprehensive Plan be, and is hereby, amended by incorporating the new Airport Inn Settlement into the Comprehensive Plan.

#### ORDINANCE

AN ORDINANCE TO APPROVE REZONING  
REQUEST #RZ98-M-05, LEACH PROPERTY

WHEREAS, the applicant, Lena Leach, has initiated a request to amend the Fauquier County Zoning Map by changing the designation for a 2.94 acre parcel, identified by parcel identification number 6982-23-3226-000, from Rural Residential (RR-2) to Residential, One dwelling unit per acre (R-1); and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Ordinance in accordance with the provisions of Article 13-202; and

WHEREAS, the 2.94 acre property is situated within the Settlement of Airport Inn, as based on the approved Comprehensive Plan Amendment #CPA98-M-02; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on August 27, 1998, regarding this rezoning request and unanimously recommended approval; and

WHEREAS, the Board of Supervisors on September 15, 1998, held a public hearing on this rezoning request; and

WHEREAS, by adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of September 1998, That Rezoning Request #RZ98-M-05 to change the zoning designation for a 2.94 acre parcel on Route 800 (Old Culpeper Road), identified as PIN #6982-23-3226-000, from RR-2 (Rural Residential) to R-1 (Residential) be, and is hereby, approved.

#### ANNOUNCEMENTS

Mr. Lee announced that the Board of Supervisors would have an adjourned meeting on September 22, 1998 at 9:00 a.m. in the conference room at the Virginia Department of Agriculture Office to meet with the Corps of Engineers regarding the Auburn Dam permit.

Mr. Lee announced that the Board of Supervisors would have an adjourned meeting on September 29, 1998 at 6:00 p.m. at Legends Restaurant to have dinner with Dick Bowen.

Randy Wheeler, Deputy County Administrator, announced that Clarke County, Frederick County and the City of Winchester had approved the regional jail

agreement.

Mr. Wheeler announced that he and Mr. Mangum would be going to Richmond on September 24 and 25 to attend the High Growth Coalition Meeting and the Keating Subcommittee meeting respectively.

#### SUPERVISORS TIME

Mr. Burton asked for the Board of Supervisors support in requesting a Zoning Ordinance change to allow the Catlett Volunteer Fire Department to hold turkey shoots. The Board asked that a resolution to forward this request be on the October 6, 1998 agenda.

Mr. Green said that the Budget Information Session held at Coleman Elementary School was very informative.

Mr. Rankin reported that his Committee was still working on the Sick Leave Payout Policy changes.

With no further business, the meeting was adjourned.